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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
WALTER PRENDIN, ET AL. : EXAMINER: GAY, JENNIFER H.
SERIAL NO: 10/511,263 :
FILED: MARCH 25, 2005 : GROUP ART UNIT: 3672
FOR: TELEMETRY SYSTEM FOR THE :
BI-DIRECTIONAL COMMUNICATION
OF DATA BETWEEN A WELL POINT
AND A TERMINAL UNIT SITUATED ON
THE SURFACE

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated April 30, 2007, Applicants elect with traverse Claims 27-41 and 49-52 drawn to a telemetry system using an active or passive vehicle and the process of using the system for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful

of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Alternatively, Applicants submit that Claims 47 and 48 should be joined to elected Group I (Claims 27-41 and 49-52) and not joined to unelected Group II.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 27-52 be conducted.

Respectfully submitted,

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